

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10164-DPW
)	
SHON ROWELL)	

ASSENTED-TO MOTION TO
CONTINUE FINAL STATUS CONFERENCE

Defendant and the government jointly move that this Court continue the Final Status Conference, presently scheduled for December 10, 2004, to February 9, 2005 at 11:00 a.m. or as soon thereafter as is convenient to the Court. The parties also request that the Court reset the deadlines for dispositive motions and replies. As reasons therefore, the parties state the following:

1. At the last status conference, the parties reported that automatic discovery had only recently been completed, and that defendant required additional time to review newly provided items before determining issues to be included in a motion to suppress. This Court established a final status conference for January 10, 2005 and set a deadline of December 28, 2004 for the filing of dispositive motions.
2. Defendant intends to file a motion to suppress evidence, but has not done so. Counsel has as yet been unable to complete the factual and legal investigation required. Counsel's attention to this matter has been distracted, primarily

because of unanticipated increase in case assignments in the Federal Defender Office as a result of work assigned from attorneys on leave. Moreover, counsel has been otherwise engaged in preparing and filing four briefs in matters pending in the First Circuit Court of Appeals, including United States v. Peter Gomes Fontes, No. 04-2227, United States v. Marlin Turner, No. 2238, United States v. Gary Sagendorf, No. 04-1690, and United States v. Erica Chase, No. 02-2414.

3. As this Court is aware, the Federal Defender Office has requested that it not be assigned cases for the next few weeks because of the press of existing cases in the office. The workload will be exacerbated office-wide with the anticipated departure of another staff attorney within the next two to three months.
4. Defendant is therefore requesting additional time to research and file a motion to suppress.
5. Defendant requests that the Court set January 31, 2005 as the date by which defendant must file dispositive motions and set February 14, 2005 as the date by which the government should reply.
7. The parties agree that the period commencing January 10, 2005 up to and including the rescheduled Final Status

Conference is excludable from calculations under the Speedy Trial Act to allow the filing of dispositive motions.

Assented to:

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Respectfully submitted,

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By His Attorney,

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